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# **Judiciary Appropriations Committee**

**Friday, March 24, 2006**

**8:00 a.m.**

**28 House Office Building**



# **Florida House of Representatives**

Fiscal Council  
Judiciary Appropriations Committee

**Allan Bense**  
Speaker

**Jeff Kottkamp**  
Chair

## **Agenda for**

**Date: Friday, March 24, 2006**

**Location: 28 House Office Building, Tallahassee, FL**

**Time: 8:00 a.m.**

- I. Call to Order**
- II. Roll Call**
- III. PCB JA 06-01 on Continuing Implementation of Constitutional Revision 7 to Article V**
- IV. Budget Workshop**
- V. Adjournment**



## HOUSE OF REPRESENTATIVES STAFF ANALYSIS

**BILL #:** PCB JA 06-01 Continuing Implementation of Constitutional Revision 7 to Article V  
**SPONSOR(S):** Judiciary Appropriations Committee  
**TIED BILLS:** **IDEN./SIM. BILLS:**

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
Orig. Comm.: Judiciary Appropriations Committee		Brazzell <i>HUB</i>	DeBeaugrine <i>[Signature]</i>
1) _____	_____	_____	_____
2) _____	_____	_____	_____
3) _____	_____	_____	_____
4) _____	_____	_____	_____
5) _____	_____	_____	_____

### SUMMARY ANALYSIS

In November 1998, voters approved Revision 7 to Article V of the Florida Constitution. Article V establishes the judicial branch of government. According to the ballot summary, Revision 7 "allocates state court system funding among the state, counties, and users of courts." Revision 7 was to be "fully effectuated" by July 1, 2004.

PCB 01 addresses a variety of issues with budgetary impacts related to the implementation of Revision 7 to Article V of the state constitution. The PCB:

- Clarifies that parents of juveniles involved in delinquency proceedings are responsible for payment of costs of prosecution and representation under certain circumstances;
- Revises the budgeting and reporting procedures for clerks of court;
- Amends the procedure for identifying counties which do not budget sufficient funds to fulfill their responsibilities for court funding under s. 29.008(1), F.S., and for rectifying such situations;
- Provides additional requirements for disclosure by clerks when individuals are posting bond monies that may be used to pay for the detainee's other outstanding court obligations;
- Requires the allocation of a payment by a misdemeanant probationer among that individual's outstanding obligations;
- Redirects the \$2.00 court technology fee currently paid to counties for funding their court-related technology obligations to a trust fund for distribution to counties as grants-in-aid under certain conditions and revises the process for spending those funds;
- Clarifies counties' reporting responsibilities regarding their use of funds generated by surcharges imposed to fund state court facilities; and
- Moves certain provisions of law relating to court costs into chapter 938, F.S.

The PCB appears to have a fiscal impact on state government and counties. See "Fiscal Analysis and Economic Impact Statement."

## FULL ANALYSIS

### I. SUBSTANTIVE ANALYSIS

#### A. HOUSE PRINCIPLES ANALYSIS:

Provide limited government: The PCB reduces the duties of the Department of Revenue regarding the review of county budgets for funding court-related responsibilities and institutes a new process for this review involving the Administration Commission. The PCB establishes new advisory boards in each judicial circuit.

#### B. EFFECT OF PROPOSED CHANGES:

##### Payment of Fees for Representation and Prosecution

###### *Present Situation*

Currently, certain sections of Florida law provide for the repayment of the costs of prosecution and representation by certain persons in certain proceedings; however, some have interpreted these sections as not applying to juveniles in certain delinquency proceedings.

###### *Proposed Changes*

The PCB amends ss. 27.52 and 938.27, F.S., to clarify that parents of adjudicated juveniles are responsible for certain costs, including costs of representation and the costs of prosecution, respectively. It amends ss. 28.35 and 938.27, F.S., to allow enrollment of such parents in payment plans to repay these costs under certain conditions.

##### Clerks of Court Court-Related Budget Process

###### *Present Situation*

Currently, s. 28.35, F.S., establishes the Florida Clerks of Court Operations Corporation (corporation) and, among other provisions, assigns it various duties relating to reviewing and certifying clerks' proposed court-related budgets. Section 28.36, F.S., provides the process to be used in setting clerks' court-related budgets. This process uses formulae to determine the maximum annual budget amount allowed a clerk, though under certain conditions the Legislative Budget Commission may approve increases to individual clerks' budgets. Any unspent revenues are to be provided to the General Revenue Fund. Outside of these general limitations, however, each clerk has significant autonomy in how he or she expends state funds. This has allowed some clerks to make spending decisions that have been questioned and has resulted in less revenue being provided to the General Revenue Fund. The corporation did not respond to requests for information on one such incident because of the perception that providing this information was outside the scope of its duties and responsibilities.

###### *Proposed Changes*

The PCB amends ss. 28.25 and 28.36, F.S. to provide for more detailed reporting by clerks about their specific proposed and actual expenditures and requires the corporation's approval for a clerk's certified budget to be amended except in those situations when the Legislative Budget Commission's approval is required. The PCB also adds the responsibility of responding to Legislative inquiries regarding clerk budgets to the corporation's statutory duties and responsibilities.

## Department of Revenue Oversight of County Article V Budgets

### *Present Situation*

Currently s. 29.008(4), F.S., provides a process for the Department of Revenue (DOR) to review whether counties are budgeting sufficient funding for certain court-related responsibilities under s. 29.008(1), F.S. The statute provides a formula that dictates the minimum amount a county must budget, requires the submission of budget documents to the DOR, and, if the DOR finds that the county is not meeting its requirement to budget sufficient funds, requires the DOR to withhold other funds that would otherwise be remitted to a county and instead pay the county's unbudgeted court-related funding obligations. The DOR reviewed this process, and in its report *Reporting and Oversight of County Court-Related Funding Obligations: Review and Recommendations* (November 15, 2005), highlighted problems with the current process. Among other recommended changes, DOR suggests that the agency be relieved of its obligation to determine county compliance with their budgeting responsibilities, in part because the agency believes the review duplicates another required to be conducted by the Chief Financial Officer (CFO) and that the duty falls within the core competency of the Department of Financial Services.

### *Proposed Changes*

The PCB adopts the DOR's recommendation to end the DOR's responsibility to determine county compliance with their budgeting responsibilities by replacing DOR review of county budgets with a process similar to that provided in s. 30.49, F.S., for sheriffs to appeal what they believe to be inadequate county funding. The new process requires the chief judge of the circuit to detail the deficiencies expected to result from the lack of funding and the funding required to correct them and provide this to the board of county commissioners (board). If the board does not respond to the chief judge's satisfaction, the chief judge may appeal to the Administration Commission, whose decision is final.

## Payment of Outstanding Obligations from Posted Bond

### *Present Situation*

Currently s. 903.286, F.S., requires the clerk of court to withhold outstanding court fees, court costs, and criminal penalties from a cash bond posted by someone other than a bail bond agent. Thus the person posting bond may not be returned the full amount of the bond if outstanding court fees, court costs, and criminal penalties exist. However, the section does not require the clerk to provide notice to the person posting the bond that such obligations may be withheld.

### *Proposed Changes*

The PCB requires clerks of court to inform persons posting bond that outstanding court fees, court costs, and criminal penalties may be withheld and to provide an itemized listing of these amounts so that persons posting bond are aware of the total that would be withheld from the posted bond. The PCB also specifies that the clerk may only withhold these monies from bonds posted after June 30, 2005, as July 1, 2005, was the effective date of the statute allowing the withholding of these monies.

## Article V Technology Funding

### *Present Situation*

Section 29.008(1), F.S., provides that "Counties are required by s. 14, Art. V of the State Constitution to fund the cost of communications services, existing radio systems, existing multiagency criminal justice information systems . . ." Section 29.008(f)2., F.S., defines "communication services" to include "all

computer networks, systems and equipment, including computer hardware and software, modems printers, wiring, network connections, maintenance, support staff or services. . . training, supplies, and line charges necessary for an integrated computer system to support the operations and management of the state courts system, the offices of the public defenders, the offices of the state attorneys, and the offices of the clerks of the circuit and county courts and the capability to connect those entities . . . ” Section 29.008(h), F.S., defines “existing multiagency criminal justice information systems.”

Section 28.24(12)(e)1., F.S., provides for \$2.00 of a \$4.00 per page service charge for certain documents filed with the clerk of court to be distributed to the board of county commissioners to be used for court-related technology and court technology needs as defined in s. 29.008(1)(f)2. and (h), F.S. According to the Florida Association of Court Clerks and Comptrollers, in calendar year 2005, this fee generated \$85.4 million for counties.

Section 29.0086, F.S., establishes the Article V Technology Board. Section 29.0086(5)(c), F.S., required the Article V Technology Board to issue a report by January 15, 2006, which, among other requirements, was to “propose an operational governance structure to achieve and maintain the necessary level of integration among system users at both the state and judicial circuit levels . . . ” Accordingly, the Article V Technology Board’s report recommended the establishment of a statewide governing board and judicial circuit governing boards. The report also recommended that the \$2.00 fee administered at the county level be administered on a judicial circuit level by a joint committee composed of the chief judge, state attorney, and public defender.

### *Proposed Changes*

The PCB extends the term of the Article V Technology Board through December 31, 2006. The PCB also requires the establishment of Judicial Circuit Article V Technology Advisory Councils (advisory councils) in each circuit chaired by the chief judge or his or her designee and including as members the public defender, state attorney, Florida Bar representative, sheriff, clerk, and a county representative. The primary responsibilities of the advisory councils are to develop an initial strategic plan and subsequent updated strategic plans to address court-related technology and court technology needs as defined in s. 29.008(1)(f)2 and (h), F.S., and to promote data integration and access among the stakeholders in the court system. The PCB increases and redirects the \$2.00 per page fee currently provided to the boards of county commissioners to the Court Technology Trust Fund and provides that the fee may be disbursed as grants-in-aid to counties which agree to use these funds to implement the strategic plan developed by the advisory councils and approved by the chief judge.

### Reporting on County-Imposed Surcharges

#### *Present Situation*

Currently, the clerks of court are required to report quarterly on the amount of funds collected by counties pursuant to s. 318.18(13)(a) and (b), F.S.

#### *Proposed Changes*

The PCB amends s. 318.18(13), F.S., to provide that the county, rather than the clerk of court, report on the funds collected by the county. The PCB also requires additional reporting by the county on the amount of funds expended and the uses of the funds.

### Payment of Obligations by Misdemeanant Probationers

#### *Present Situation*

Currently, counties handle in a variety of ways the collection of certain court-related obligations from the misdemeanor probationers they supervise either using county staff or via a contract with another

entity. These obligations include fees for supervision as well as restitution, fines, fees, and court costs. In at least one county, during the period of supervision only the supervision fee is being collected, delaying the collection of payments for the probationer's other obligations.

### *Proposed Changes*

The PCB amends s. 948.15, F.S., to provide that entities providing probation services for offenders sentenced by the county court shall establish a process to collect outstanding obligations, including fines, fees, and court costs, restitution, and the cost of supervision. It also provides that if any payment made by a misdemeanor probationer is insufficient to cover the amount of the obligations then due, the payment will be allocated proportionally among the probationer's obligations.

### Transfer and Renumbering of Court Cost-related Statutory Provisions

The PCB also transfers and renumbers s. 775.083(2), F.S., relating to court costs collected to fund county crime prevention programs, to chapter 938, F.S., and renumbers s. 939.185, F.S., regarding county-authorized court costs to fund various court-related programs, also to place it in chapter 938, F.S. Chapter 938, F.S., addresses court costs.

### C. SECTION DIRECTORY:

Section 1 amends s. 27.52, F.S., providing for liability for fees, costs, and charges of representation in delinquency proceedings.

Section 2 amends s. 27.561, F.S., to require defendant-recipients or parents defaulting on payment of attorney's fees or costs to enroll in a payment plan under certain circumstances

Section 3 amends s. 28.35, F.S., creating additional duties of the Florida Clerks of Court Operations Corporation.

Section 4 amends s. 28.36, F.S., regarding the clerks of court budget process.

Section 5 amends s. 29.008, F.S., to revise the process for determining and compelling county compliance with their Article V funding responsibilities.

Section 6 amends s. 903.286, F.S., to provide additional notice requirements for persons posting cash bonds.

Section 7 amends s. 28.24, F.S., regarding the distribution and use of the \$2.00 fee directed to counties for funding court-related technology and court technology needs.

Section 8 amends s. 29.0086, F.S., repealing the Article V Technology Board effective January 1, 2007.

Section 9 creates s. 29.0087, F.S., to establish in each judicial circuit a Judicial Circuit Article V Technology Advisory Council and provide for membership, purposes, and duties.

Section 10 amends s. 318.18, F.S., to require counties rather than clerks of court to report information regarding their collection and use of surcharges to fund court facilities.

Section 11 amends s. 938.27, F.S., to require parents of adjudicated juveniles to enroll in payment plans to pay certain costs of prosecution.

Section 12 amends s. 938.29, F.S., to require defendants found to have committed a delinquent act who have received the assistance of the public defender's office or a court-appointed attorney to be liable for payment of attorney's fees and costs.



Section 13 amends s. 948.15, F.S., regarding the collection of obligations from misdemeanor county probationers.

Section 14 renumbers s. 939.185, F.S., as s. 938.195, F.S.

Section 15 transfers, renumbers, and amends s. 775.083 (2), F.S., as s. 938.065, F.S.

Section 16 provides an effective date of July 1, 2006.

## **II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT**

### **A. FISCAL IMPACT ON STATE GOVERNMENT:**

#### **1. Revenues:**

The state may realize additional revenue from payments by certain parents of juveniles involved in delinquency proceedings for costs of prosecution and representation.

The state will also receive proceeds from the \$2.05 recording fee which will be deposited into the Court Technology Trust Fund. In calendar year 2005, when set at \$2.00, this fee generated \$85.4 million.

Collection of court costs and fines may increase due to the change in the collections procedure.

#### **2. Expenditures:**

The extension of the Article V Technology Board through December 31, 2006, is estimated to require \$250,000 in General Revenue.

The bill also provides for state financial assistance to counties from the Court Technology Trust Fund. At current levels of collections, expenditures from the trust fund would be approximately \$85 million per year.

### **B. FISCAL IMPACT ON LOCAL GOVERNMENTS:**

#### **1. Revenues:**

The PCB changes the distribution of the \$2.00 technology fee that is currently provided directly to counties to a grant-in-aid to be paid upon the counties' compliance with certain requirements. If counties choose not to comply with these requirements, they could experience a reduction in revenues.

The bill modifies the process for finding that counties are not in compliance with their responsibilities for funding certain court-related items such that counties may be less vulnerable to withholding of other revenues by the Department of Revenue to pay for funding such items, since a more detailed process would need to be followed before any withholdings occurred.

Counties providing misdemeanor probation services may experience delays in receiving the fees for this service from their clients due to the allocation of payments by their clients among all of their court-related obligations.

#### **2. Expenditures:**

None.

### **C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:**

A larger number of parents of juveniles involved in certain delinquency proceedings may be required to pay for costs of prosecution and representation.

The Florida Association of Court Clerks' CCIS system will receive \$0.05 less in recording fees per page. In calendar year 2005, when set at \$0.10, this fee generated \$4.27 million.

Private providers of misdemeanor probation services may experience delays in receiving the fees for this service due to the allocation of payments by their clients among all of the individual client's court-related obligations.

**D. FISCAL COMMENTS:**

None.

**III. COMMENTS**

**A. CONSTITUTIONAL ISSUES:**

**1. Applicability of Municipality/County Mandates Provision:**

This bill does not require counties or municipalities to spend funds or to take an action requiring the expenditure of funds. This bill does not reduce the percentage of a state tax shared with counties or municipalities. This bill does not reduce the authority that municipalities have to raise revenue.

**2. Other:**

None.

**B. RULE-MAKING AUTHORITY:**

None.

**C. DRAFTING ISSUES OR OTHER COMMENTS:**

None.

**IV. AMENDMENTS/COMMITTEE SUBSTITUTE & COMBINED BILL CHANGES**

Not applicable.

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1                                   A bill to be entitled

2       An act relating to continuing implementation of  
3       Constitutional Revision 7 to Article V; amending s. 27.52;  
4       providing for liability for fees, costs, and charges of  
5       representation in delinquency proceedings; amending s.  
6       27.561; requiring defendant-recipients or parents  
7       defaulting on payment of attorney's fees or costs to  
8       enroll in a payment plan under certain circumstances;  
9       amending s. 28.35; requiring the Florida Clerks of Court  
10      Operations Corporation to receive certain reports from  
11      clerks on their expenses; requiring the corporation to  
12      provide certain information to specified entities upon  
13      request; requiring corporation approval for amended  
14      budgets and providing for notice of amendments; amending  
15      s. 28.36; requiring specific detail to be included in  
16      proposed and certified clerk budgets; requiring a  
17      specified method of tracking expenditures and the  
18      submission of expenditure reports to the corporation;  
19      amending s. 29.008; deleting Department of Revenue review  
20      of county documents regarding their budgeting for court-  
21      related items; providing criteria for determining whether  
22      a county may be out of compliance with its budgeting for  
23      court-related items; providing for appeal of county budget  
24      decisions by the chief judge to the county and to the  
25      Administration Commission; defining the term "salaries";  
26      amending s. 903.286; limiting the withholding of unpaid  
27      court fees, court costs, and criminal penalties from bonds  
28      posted by certain persons after June 30, 2005; requiring  
29      notice of withholding and details of the specific amounts

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to be withheld to be provided; amending s. 28.24;  
 redirecting the \$2.00 fee funding court-related technology  
 and court technology needs from the boards of county  
 commissioners to the Court Technology Trust Fund;  
 providing procedures for the distribution of these funds  
 to the counties; providing for the appropriation by the  
 Legislature of undistributed funds; amending s. 29.0086;  
 repealing the Article V Technology Board effective January  
 1, 2007; creating s. 29.0087; establishing in each  
 judicial circuit a Judicial Circuit Article V Technology  
 Advisory Council; providing for membership; providing  
 purposes; providing duties; amending s. 318.18, F.S.;  
 requiring counties to report on certain expenditures of  
 surcharges to fund or finance court facilities; amending  
 s. 938.27; requiring parents of adjudicated juveniles to  
 enroll in payment plans to pay certain costs of  
 prosecution; amending s. 938.29; requiring defendants  
 found to have committed a delinquent act who have received  
 the assistance of the public defender's office or a court-  
 appointed attorney to be liable for payment of attorney's  
 fees and costs; amending s. 948.15, F.S.; requiring  
 payments by a misdemeanor probationer to be allocated  
 among outstanding obligations; renumbering s. 939.185;  
 transferring, renumbering, and amending s. 775.083(2) as  
 s. 938.065; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

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Section 1. Subsection (6) of section 27.52, Florida Statutes, is amended to read:

27.52 Determination of indigent status.--

(6) DUTIES OF PARENT OR LEGAL GUARDIAN.--A nonindigent parent or legal guardian of an applicant who is a minor or an adult tax-dependent person shall furnish the minor or adult tax-dependent person with the necessary legal services and costs incident to a delinquency proceeding or, upon transfer of such person for criminal prosecution as an adult pursuant to chapter 985, a criminal prosecution in which the person has a right to legal counsel under the Constitution of the United States or the Constitution of the State of Florida. The failure of a parent or legal guardian to furnish legal services and costs under this section does not bar the appointment of legal counsel pursuant to this section, s. 27.40, or s. 27.5303. When the public defender, a private court-appointed conflict counsel, or a private attorney is appointed to represent a minor or an adult tax-dependent person in any proceeding in circuit court or in a criminal or delinquency proceeding in any other court, the parents or the legal guardian shall be liable for payment of the fees, charges, and costs of the representation even if the person is a minor being tried as an adult. Liability for the fees, charges, and costs of the representation shall be imposed in the form of a lien against the property of the ~~nonindigent~~ parents or legal guardian of the minor or adult tax-dependent person. The lien is enforceable as provided in s. 27.561 or s. 938.29.

Section 2. Subsection (3) of section 27.561, Florida Statutes, is amended to read:

27.561 Effect of nonpayment.--

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(3) If it appears to the satisfaction of the court that the default in the payment of the attorney's fees or costs is not contempt, the court may enter an order allowing the defendant-recipient or parent additional time ~~for, or reducing the amount of, payment or revoking the assessed attorney's fees or costs, or the unpaid portion thereof, in whole or in part.~~ If the court allows additional time, the defendant-recipient or parent shall be enrolled in a payment plan pursuant to s. 28.246(4).

Section 3. Subsection (2) of section 28.35, Florida Statutes, is amended to read:

28.35 Florida Clerks of Court Operations Corporation.--

(2) The duties of the corporation shall include the following:

(g) Receiving reports from each clerk of court in a format specified by the corporation which allows reconciliation of the expenses of a clerk to his or her certified budget.

(h) Providing information regarding the budgets and expenditures of clerks and any other fiscal data related to the corporation and performance of court-related clerk duties upon request by a committee of the Legislature, the Governor, or the Office of the State Courts Administrator. Clerks of court shall provide any information requested by the corporation in accordance with this paragraph.

(i) Developing and conducting clerk education programs.

(4) The approval of the corporation shall be required for a certified budget to be amended except as otherwise provided in s. 28.36(6). The corporation shall provide notice to the appropriations committees of the Senate and the House of Representatives of any requested amendment to a certified budget

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and the resulting action taken by the corporation to approve or disapprove such request. A clerk shall not make expenditures that do not comply with his or her certified budget.

Section 4. Paragraph (b) of subsection (3) of section 28.36, Florida Statutes, is amended, and a new subsection (8) is created to read:

28.36 Budget procedure.--There is hereby established a budget procedure for the court-related functions of the clerks of the court.

(3) Each proposed budget shall further conform to the following requirements:

(b) The proposed budget must be balanced, such that the total of the estimated revenues available must equal or exceed the total of the anticipated expenditures. These revenues include the following: cash balances brought forward from the prior fiscal period; revenue projected to be received from fees, service charges, court costs, and fines for court-related functions during the fiscal period covered by the budget; and supplemental revenue that may be requested pursuant to subsection (4). Both proposed and certified budgets shall list expenditures by appropriations categories defined in s. 216.011 and the number of full-time-equivalent positions. Budgets shall specifically list any non-recurring expenditures including but not limited to employee bonuses and equipment purchases. The budget shall also specify details of any general changes to salaries and benefits, such as cost-of-living increases in salaries and improvements in benefits. ~~The anticipated expenditures must be itemized as required by the corporation, pursuant to contract with the Chief Financial Officer.~~

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(8) Each clerk shall track and report actual expenditures in a format specified by the Clerks of Court Operations Corporation which allows reconciliation to his or her budget as certified by the corporation. Reports of such expenditures shall be submitted to the corporation upon request but at a minimum quarterly.

Section 5. Subsection (4) of section 29.008, Florida Statutes, is amended to read:

29.008 County funding of court-related functions.--

(4)(a) A county may be determined not to be in compliance with its responsibility to fund court-related functions if:

1. The amount budgeted by the county in the upcoming or current county fiscal year for any item specified in paragraphs (1)(a), (c), (d), (e), (f), (g), and (h) and subsection (3) is less than the amount spent in county fiscal year 2002-2003, the base year, plus 1.5 percent growth per year, and

2. The chief judge asserts that deficiencies will exist in the functioning of the circuit court due to the lack of sufficient budget for that item which the county is funding at less than the base year plus 1.5 percent growth per year.

(b) The process for determining whether a county is not in compliance with its funding responsibility shall be as follows:

1. The chief judge shall identify in writing the specific deficiencies he or she asserts will be experienced by the circuit court associated with the county's lack of sufficient support for that item, the recommended corrections, and an estimate of the funding required for such corrections, and shall furnish this statement to the board of county commissioners.



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2. The board shall provide its response in writing to the chief judge. If the board chooses not to amend its budget to provide funding sufficient either to equal the funding for the item in the base year plus 1.5 percent growth per year or to remedy the specific deficiencies identified by the chief judge, whichever is less, within 30 days after receiving written notice of such action by the board, the chief judge may notify the Administration Commission of the alleged deficiency and detail the expected impact on the ability of the court to perform its constitutional and statutory functions. The notification shall set forth in the form and manner prescribed by the Executive Office of the Governor and approved by the Administration Commission the specific deficiencies, recommended corrections, estimate of the funding required for such corrections, the expenditures made by the county in the base year for the items, and the budget for the items for the county fiscal year in question. Notification shall be provided to the Executive Office of the Governor and the board. The board shall have 5 days from receipt of the notice to provide to the Executive Office of the Governor a reply thereto, and it shall provide a copy of such reply to the chief judge.

3. Upon receipt of the notice, the Executive Office of the Governor shall provide for a budget hearing at which the matters presented in the notice and the reply shall be considered. A report of the findings and recommendations of the Executive Office of the Governor thereon shall be promptly submitted to the Administration Commission, which, within 30 days, shall either approve the action of the board as to each separate item or direct the Department of Revenue to withhold revenue sharing

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funds as provided in (c) in an amount determined by the  
Administration Commission to be sufficient to remedy the  
deficiency though in no case shall the amount withheld result in  
a budget that exceeds the amount spent for the item in the base  
year plus 1.5 percent growth per year for any item enumerated in  
subparagraph (a)1. The determination of the Administration  
Commission shall be final and shall be provided to the chief  
judge, board, and the Department of Revenue.

(c)1. If the Administrative Commission determines that the  
board shall provide additional funding to fulfill its  
responsibilities under this section, ~~Except for revenues used for~~  
~~the payment of principal or interest on bonds, tax anticipation~~  
~~certificates, or any other form of indebtedness as allowed under~~  
~~s. 218.25(1), (2) or (4),~~ the Department of Revenue shall withhold  
revenue sharing receipts distributed pursuant to part II of  
chapter 218, except for revenues used for the payment of  
principal or interest on bonds, tax anticipation certificates, or  
any other form of indebtedness as allowed under s. 218.25(1), (2)  
or (4), from that any county not in compliance with the county  
funding obligations for items specified in paragraphs (1)(a),  
(c), (d), (e), (f), (g), and (h) and subsection (3). The  
department shall withhold an amount equal to the difference  
between the amount spent by the county for the particular item in  
county fiscal year 2002-2003, the base year, plus 3 percent, and  
the amount budgeted by the county for these obligations in county  
fiscal year 2004-2005, if the latter is less than the former.  
Every year thereafter, the department shall withhold such an  
amount if the amount budgeted in that year is less than the base  
year plus 1.5 percent growth per year. On or before December 31,

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231 ~~2004, counties shall send to the department a certified copy of~~  
 232 ~~their budget documents for the respective 2 years, separately~~  
 233 ~~identifying expenditure amounts for each county funding~~  
 234 ~~obligation specified in paragraphs (1) (a), (c), (d), (e), (f),~~  
 235 ~~(g), and (h) and subsection (3). Each year thereafter, on or~~  
 236 ~~before December 31 of that year, each county shall send a~~  
 237 ~~certified copy of its budget document to the department.~~

238 ~~(b) —Beginning in fiscal year 2005-2006, additional amounts~~  
 239 ~~shall be withheld pursuant to paragraph (a), if the amount spent~~  
 240 ~~in the previous fiscal year on the items specified in paragraphs~~  
 241 ~~(1) (a), (c), (d), (e), (f), (g), and (h), and subsection (3) is~~  
 242 ~~less than the amount budgeted for those items. Each county shall~~  
 243 ~~certify expenditures for these county obligations for the prior~~  
 244 ~~fiscal year to the department within 90 days after the end of the~~  
 245 ~~fiscal year.~~

246 2. (e) The department shall transfer the withheld payments  
 247 to the General Revenue Fund by March 31 of each year. These  
 248 payments are hereby appropriated to the Department of Revenue to  
 249 pay for these responsibilities on behalf of the county.

250 (5) For purposes of this section, the term "salaries" shall  
 251 include associated fringe benefits or other perquisites that are  
 252 typically provided by the county to its employees.

253 Section 6. Section 903.286, Florida Statutes, is amended to  
 254 read:

255 903.286 Return of cash bond; requirement to withhold unpaid  
 256 fines, fees, and court costs.--Notwithstanding the provisions of  
 257 s. 903.31(2), the clerk of the court shall withhold from the  
 258 return of a cash bond posted after June 30, 2005, on behalf of a  
 259 criminal defendant by a person other than a bail bond agent

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licensed pursuant to chapter 648 sufficient funds to pay any unpaid court fees, court costs, and criminal penalties. The clerk of the court shall provide notice to this effect and an itemized listing of the specific amounts subject to withholding to such persons prior to the posting of the cash bond. In the event that sufficient funds are not available to pay all unpaid court fees, court costs, and criminal penalties, the clerk of the court shall immediately obtain payment from the defendant or enroll the defendant in a payment plan pursuant to s. 28.246.

Section 7. Paragraph (e) of subsection (12) of section 28.24, Florida Statutes, is amended to read:

28.24 Service charges by clerk of the circuit court.--The clerk of the circuit court shall charge for services rendered by the clerk's office in recording documents and instruments and in performing the duties enumerated in amounts not to exceed those specified in this section. Notwithstanding any other provision of this section, the clerk of the circuit court shall provide without charge to the state attorney, public defender, guardian ad litem, public guardian, attorney ad litem, and court-appointed counsel paid by the state, and to the authorized staff acting on behalf of each, access to and a copy of any public record, if the requesting party is entitled by law to view the exempt or confidential record, as maintained by and in the custody of the clerk of the circuit court as provided in general law and the Florida Rules of Judicial Administration. The clerk of the circuit court may provide the requested public record in an electronic format in lieu of a paper format when capable of being accessed by the requesting entity.

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Charges

(12) For recording, indexing, and filing any instrument not more than 14 inches by 8 1/2 inches, including required notice to property appraiser where applicable:

(e) An additional service charge of \$4 per page shall be paid to the clerk of the circuit court for each instrument listed in s. 28.222, except judgments received from the courts and notices of lis pendens, recorded in the official records. From the additional \$4 service charge collected:

1. If the counties maintain legal responsibility for the costs of the court-related technology needs as defined in s. 29.008(1)(f)2. and (h), 5 ~~10~~ cents shall be distributed to the Florida Association of Court Clerks and Comptroller, Inc., for the cost of development, implementation, operation, and maintenance of the clerks' Comprehensive Case Information System, in which system all clerks shall participate on or before January 1, 2006; \$1.90 shall be retained by the clerk to be deposited in the Public Records Modernization Trust Fund and used exclusively for funding court-related technology needs of the clerk as defined in s. 29.008(1)(f)2. and (h); and \$2.05 ~~\$2~~ shall be distributed to the Court Technology Trust Fund ~~to the board of county commissioners~~ to be used to prepare the strategic plan required by s. 29.0087, F.S., provide oversight of court-related technology services provided by the counties, and to disburse to counties as state financial assistance to offset the costs of providing ~~exclusively to fund~~ court-related technology, and court technology needs as defined in s. 29.008(1)(f)2. and (h) for the state trial courts, state attorney, and public defender in that county. Counties must agree to utilize funds in conformance with

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318 | the strategic plan required by s. 29.0087, F.S., as approved by  
 319 | the chief judge, in order to be eligible for state financial  
 320 | assistance from the Court Technology Trust Fund. The amount  
 321 | provided to each county from the Court Technology Trust Fund  
 322 | shall be equal to each county's percentage of total collections  
 323 | of the additional recording fee required by this section applied  
 324 | to the total amount available to be distributed to counties. In  
 325 | the event that a county is not eligible to receive funds from the  
 326 | Court Technology Trust Fund, the funds that would have otherwise  
 327 | gone to the county will remain in the Court Technology Trust Fund  
 328 | to be used as appropriated by the Legislature. If the counties  
 329 | maintain legal responsibility for the costs of the court-related  
 330 | technology needs as defined in s. 29.008(1)(f)2. and (h),  
 331 | notwithstanding any other provision of law, the county is not  
 332 | required to provide additional funding beyond that provided  
 333 | herein for the court-related technology needs of the clerk as  
 334 | defined in s. 29.008(1)(f)2. and (h). All court records and  
 335 | official records are the property of the State of Florida,  
 336 | including any records generated as part of the Comprehensive Case  
 337 | Information System funded pursuant to this paragraph and the  
 338 | clerk of court is designated as the custodian of such records,  
 339 | except in a county where the duty of maintaining official records  
 340 | exists in a county office other than the clerk of court or  
 341 | comptroller, such county office is designated the custodian of  
 342 | all official records, and the clerk of court is designated the  
 343 | custodian of all court records. The clerk of court or any entity  
 344 | acting on behalf of the clerk of court, including an association,  
 345 | shall not charge a fee to any agency as defined in s. 119.011,  
 346 | the Legislature, or the State Court System for copies of records

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generated by the Comprehensive Case Information System or held by the clerk of court or any entity acting on behalf of the clerk of court, including an association.

2. If the state becomes legally responsible for the costs of court-related technology needs as defined in s. 29.008(1)(f)2. and (h), whether by operation of general law or by court order, \$4 shall be remitted to the Department of Revenue for deposit into the General Revenue Fund.

Section 8. Section 29.0086, Florida Statutes, is amended to read:

29.0086 Article V Technology Board.--

(1) The Article V Technology Board is created and administratively housed in the Office of Legislative Services within the Legislature.

(2) The board shall be composed of 10 members, as follows:

(a) The Chief Justice of the Supreme Court, or his or her designee, who shall serve as chair.

(b) A person appointed by the Speaker of the House of Representatives to represent executive branch agencies that participate on the Criminal and Juvenile Justice Information Systems Council established pursuant to s. 943.06.

(c) A private sector representative appointed by the Speaker of the House of Representatives with general knowledge of or experience in managing enterprise integration projects; however, representatives of information technology products and services vendors or any of their subsidiaries that sell products or services to the state shall not be appointed.

(d) A person appointed by the President of the Senate representing law enforcement agencies.

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376           (e) A private sector representative appointed by the  
377 President of the Senate with general knowledge of or experience  
378 in managing enterprise integration projects; however,  
379 representatives of information technology products and services  
380 vendors or any of their subsidiaries that sell products or  
381 services to the state shall not be appointed.

382           (f) A state attorney, appointed by the Florida Prosecuting  
383 Attorneys Association, or his or her designee.

384           (g) A public defender, appointed by the Florida Public  
385 Defender Association, or his or her designee.

386           (h) A court clerk, appointed by the Florida Association of  
387 Court Clerks and Comptroller, Inc., or his or her designee.

388           (i) A county budget director, appointed by the Florida  
389 Association of Counties.

390           (j) A county management information system director,  
391 appointed by the Florida Association of Counties.

392           (3) An appointment may be made to fill a vacancy. When a  
393 member must hold office to be qualified for membership on the  
394 board, the member's term on the board shall expire upon failure  
395 to maintain the office.

396           (4) Board members shall serve without compensation but are  
397 entitled to reimbursement for expenses incurred in carrying out  
398 their duties as provided in s. 112.061. Members who are public  
399 officers or employees shall be reimbursed through the budget  
400 entity through which they are compensated.

401           (5) The board shall:

402           (a) Adopt a charter that defines the major objectives,  
403 activities, and deliverables necessary to implement only the  
404 requirements of this section.



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(b) By January 15, 2005, provide a report to the Governor, the President of the Senate, the Speaker of the House of Representatives, and the Chief Justice of the Supreme Court. The report shall:

1. Identify the minimum data elements and functional requirements needed by each of the state court system entities to conduct business transactions, and needed by the Legislature to maintain policy oversight.

2. Identify the security and access requirements needed to enable and maintain data integration.

3. Identify information standards and protocols for data integration, to include common identifiers, common data field elements, and a common data dictionary.

4. Recommend policy, functional, and operational changes needed to achieve necessary access to data.

(c) Based upon the review and consideration of the January 15, 2005, report by the Legislature, and not later than January 15, 2006, provide a report to the Governor, the President of the Senate, the Speaker of the House of Representatives, and the Chief Justice of the Supreme Court that proposes alternative integration models and analyzes associated advantages and disadvantages of each model. To the extent possible, standards, protocols, and processes that integrate disparate network systems using open standards, and data warehouse and middleware connectivity strategies that maintain and leverage existing networks and information systems should be considered in the report. For each alternative integration model proposed, the board shall:

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1. Analyze and describe the specific policy, functional, operational, fiscal, and technical advantages and disadvantages. This shall also include an analysis of the specific plans and integration requirements related to the Judicial Inquiry System developed by the Office of State Court Administrator within the Supreme Court, and the Comprehensive Case Information System developed by the Florida Association of Court Clerks and Comptroller, Inc.

2. Propose a system for maintaining security to prevent unauthorized access to applications or data.

The report shall also propose an operational governance structure to achieve and maintain the necessary level of integration among system users at both the state and judicial circuit levels as provided for in this subsection.

(d) By December 15, 2006, provide a report to the Governor, the President of the Senate, the Speaker of the House of Representatives, and the Chief Justice of the Supreme Court. The report shall contain:

1. Recommended statutory language that would provide policy guidance for the strategic plans to be developed and the data integration to be promoted by the Judicial Circuit Article V Technology Advisory Boards;

2. Recommended policies to be promulgated within the framework provided by the recommended statutory language by the Office of the State Courts Administrator circuit information technology.

3. A description of any further progress made on efforts to develop a catalog of common data elements.

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(6) For purposes of this section, integration shall be defined as the minimum requirements needed to provide authorized users of the state courts system, the Legislature, and authorized Executive Branch agencies access to data reasonably required for the performance of official duties regardless of where the data is maintained. Such access should enable the secure and reliable transfer and exchange of state court system and legislative reporting data across multiple state and county systems involving multiple users at both the state level and within each judicial circuit.

(7) The board may establish workgroups as needed that shall be composed of representatives from their respective organizations who are knowledgeable concerning applicable business functions, related data processing requirements, and information system networks and infrastructure within their respective jurisdiction.

(8) The appointment of board members shall be completed in time to allow for the initial meeting of the board to be held no later than August 15, 2004. The board shall meet at the call of the chair.

(9) This section is repealed effective January 1, 2007 ~~July 1, 2006~~.

Section 9. Section 29.0087, Florida Statutes, is created to read:

29.0087 Judicial Circuit Article V Technology Advisory Councils.--

(1) There shall be established in each judicial circuit a Judicial Circuit Article V Technology Advisory Council.

(a) The membership of the council shall include:

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491        1. The chief judge of the circuit court, or his or her  
492        designee, who shall serve as chair.

493        2. The state attorney of the circuit, or his or her  
494        designee.

495        3. The public defender of the circuit, or his or her  
496        designee.

497        4. A sheriff from a county in the circuit selected by the  
498        chief judge, or his or her designee, who shall be appointed to an  
499        initial term of 1 year and shall serve two-year terms thereafter.

500        5. A clerk from a county in the circuit selected by the  
501        chief judge, or his or her designee, who shall be appointed to an  
502        initial term of 1 year and shall serve two-year terms thereafter.

503        6. A member of a board of county commissioners from a county  
504        in the circuit selected by the chief judge, or his or her  
505        designee, who shall be appointed to an initial term of 2 years  
506        and shall serve two-year terms thereafter.

507        7. A member in good standing of the Florida Bar practicing  
508        in the circuit, appointed by the chief judge.

509        (b)1. There shall be no limit to the number of terms a  
510        member may serve. For multi-county circuits, to the extent  
511        possible, the members provided in (1)(a)4.-6. shall be from  
512        different counties.

513        2. Members of the advisory council shall serve without  
514        compensation but are entitled to per diem and reimbursement for  
515        travel expenses in accordance with s. 112.061. Such per diem and  
516        reimbursement for travel expenses shall be paid by the entity  
517        employing the member, except for the member of the Florida Bar,  
518        whose per diem and reimbursement for travel expenses shall be  
519        paid by the judicial circuit.

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(c) The judicial circuit information technology director and such other judicial circuit employees as are necessary shall serve as staff to the council. Employees of the entities represented by the members of the council may also provide staff support to the council at the request of the judicial circuit information technology director.

(d) The first meeting of the advisory council shall be held no later than September 30, 2006. The advisory council shall meet at the call of the chair, but no less than quarterly.

(2) The advisory council shall work to promote the efficiency and effectiveness of the justice system in the circuit and the state as well as to ensure the security of data.

(3) The duties of the advisory council shall include:

(a) Developing an initial strategic plan and subsequent updated strategic plans to address court-related technology and court technology needs as defined in s. 29.008(1)(f)2 and (h). Such plans shall comply with any policies promulgated by the Office of the State Court Administrator regarding circuit-level information technology services. This initial strategic plan or subsequent updated strategic plans shall be provided to the chief judge each year no later than March 31.

(b) Promoting secure and reliable data integration, interoperability, and access between the information systems under the control of the chief judge, state attorney, and public defender and the clerks of court, sheriffs, and counties of the circuit as well as the various state agencies involved in the justice system and the other court systems of the state.

Section 10. Paragraph (b) of subsection (13) of section 318.18, Florida Statutes, is amended to read:

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549           318.18 Amount of civil penalties.--The penalties required  
550 for a noncriminal disposition pursuant to s. 318.14 are as  
551 follows:

552           (13) In addition to any penalties imposed for noncriminal  
553 traffic infractions pursuant to this chapter or imposed for  
554 criminal violations listed in s. 318.17, a board of county  
555 commissioners or any unit of local government which is  
556 consolidated as provided by s. 9, Art. VIII of the State  
557 Constitution of 1885, as preserved by s. 6(e), Art. VIII of the  
558 Constitution of 1968:

559           (b) That imposed increased fees or service charges by  
560 ordinance under s. 28.2401, s. 28.241, or s. 34.041 for the  
561 purpose of securing payment of the principal and interest on  
562 bonds issued by the county before July 1, 2003, to finance state  
563 court facilities, may impose by ordinance a surcharge for any  
564 infraction or violation for the exclusive purpose of securing  
565 payment of the principal and interest on bonds issued by the  
566 county before July 1, 2003, to fund state court facilities until  
567 the date of stated maturity. The court shall not waive this  
568 surcharge. Such surcharge may not exceed an amount per violation  
569 calculated as the quotient of the maximum annual payment of the  
570 principal and interest on the bonds as of July 1, 2003, divided  
571 by the number of traffic citations for county fiscal year 2002-  
572 2003 certified as paid by the clerk of the court of the county.  
573 Such quotient shall be rounded up to the next highest dollar  
574 amount. The bonds may be refunded only if savings will be  
575 realized on payments of debt service and the refunding bonds are  
576 scheduled to mature on the same date or before the bonds being  
577 refunded.

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A county may not impose both of the surcharges authorized under paragraphs (a) and (b) concurrently. The county clerk of court shall report, no later than 30 days after the end of the quarter, the amount of funds collected, the amount of funds expended, and the uses of the funds under this subsection during each quarter of the fiscal year. The county clerk shall submit the report, in a format developed by the Office of State Courts Administrator, to the chief judge of the circuit, the Governor, the President of the Senate, and the Speaker of the House of Representatives.

Section 11. Subsection (1), paragraph (a) of subsection (2), subsection (7), and subsection (8) of section 938.27, Florida Statutes, are amended to read:

938.27 Judgment for costs on conviction.--

(1) In all criminal cases, convicted persons or parents of persons found to have committed a delinquent act are liable for payment of the documented costs of prosecution, including investigative costs incurred by law enforcement agencies, by fire departments for arson investigations, and by investigations of the Department of Financial Services or the Office of Financial Regulation of the Financial Services Commission, ~~if requested by such agencies~~. These costs shall be included and entered in the judgment rendered against the convicted person or adjudicated juvenile.

(2)(a) If the court allows additional time for payment of such costs, the convicted persons or parents of the adjudicated juvenile shall be enrolled in a payment plan pursuant to s. 28.246(4). ~~The court shall require the defendant to pay the costs within a specified period or in specified installments.~~

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(b) ~~The end of such period or the last such installment shall not be later than:~~

~~1. The end of the period of probation or community control, if probation or community control is ordered;~~

~~2. Five years after the end of the term of imprisonment imposed, if the court does not order probation or community control; or~~

~~3. Five years after the date of sentencing in any other case.~~

~~However, in no event shall the obligation to pay any unpaid amounts expire if not paid in full within the period specified in this paragraph.~~

~~(e)~~ If not otherwise provided by the court under this section, costs shall be paid immediately.

(7) Investigative costs which are recovered shall be returned to the appropriate investigative agency which incurred the expense. Costs shall include actual expenses incurred in conducting the investigation and prosecution of the criminal case; however, costs may also include the salaries of permanent employees. Any investigative costs recovered on behalf of a state agency must be remitted to the Department of Revenue for deposit in the General Revenue Fund ~~agency operating trust fund~~, and a report of the payment must be sent to the agency.

~~(8) Costs that are collected by the state attorney under this section shall be deposited into the state attorney's grants and donations trust fund to be used during the fiscal year in which the funds are collected, or in any subsequent fiscal year, for actual expenses incurred in investigating and prosecuting~~



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~~criminal cases, which may include the salaries of permanent employees.~~

Section 12. Paragraph (a) of subsection (1) of section 938.29, Florida Statutes, is amended to read:

938.29 Legal assistance; lien for payment of attorney's fees or costs.--

(1)(a) A defendant determined to be guilty of a criminal act, or found to have committed a delinquent act by a court or jury or through a plea of guilty or nolo contendere, regardless of adjudication, and who has received the assistance of the public defender's office, ~~a special assistant public defender~~, or a court-appointed conflict attorney shall be liable for payment of attorney's fees and costs. The court shall determine the amount of the obligation. Such costs shall include, but not be limited to, the cost of depositions; cost of transcripts of depositions, including the cost of defendant's copy, which transcripts are certified by the defendant's attorney as having served a useful purpose in the disposition of the case; investigative costs; witness fees; the cost of psychiatric examinations; or other reasonable costs specially incurred by the state and the clerk of court for the defense of the defendant in criminal prosecutions. Costs shall not include expenses inherent in providing a constitutionally guaranteed jury trial or expenditures in connection with the maintenance and operation of government agencies that must be made by the public irrespective of specific violations of law. Any costs assessed pursuant to this paragraph shall be reduced by any amount assessed against a defendant pursuant to s. 938.05.

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Section 13. Section 948.15, Florida Statutes, is amended to read:

948.15 Misdemeanor probation services.--

(1) Defendants found guilty of misdemeanors who are placed on probation shall be under supervision not to exceed 6 months unless otherwise specified by the court. In relation to any offense other than a felony in which the use of alcohol is a significant factor, the period of probation may be up to 1 year.

(2) A private entity or public entity under the supervision of the board of county commissioners or the court may provide probation services for offenders sentenced by the county court.

(3) The entity providing probation services for offenders sentenced by the county court shall establish a process to collect payments for all offender fees, fines, and costs imposed by the court, restitution owed by the misdemeanor probationer, and the cost of supervision. If a payment made by the misdemeanor probationer is not sufficient to cover the total installment required under a payment plan imposed by the court plus any additional payments that are outstanding, the payment made by the offender shall be allocated proportionally among any fees, fines, and costs imposed by the court, restitution owed by the misdemeanor probationer, and the cost of supervision, based on the percentage that the sum owed for each type of payment comprises of the total owed for all types of payment. The entity providing probation services shall provide any funds collected in accordance with this subsection to the payee to whom they are owed within 30 days.

(4) Any private entity providing services for the supervision of misdemeanor probationers must contract with the

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693 | county in which the services are to be rendered. In a county with  
694 | a population of less than 70,000, the county court judge, or the  
695 | administrative judge of the county court in a county that has  
696 | more than one county court judge, must approve the contract.

697 | Terms of the contract must state, but are not limited to:

698 |       (a) The extent of the services to be rendered by the entity  
699 | providing supervision or rehabilitation.

700 |       (b) Staff qualifications and criminal record checks of  
701 | staff in accordance with essential standards established by the  
702 | American Correctional Association as of January 1, 1991.

703 |       (c) Staffing levels.

704 |       (d) The number of face-to-face contacts with the offender.

705 |       (e) Procedures for handling the collection in accordance  
706 | with subsection (3) of all payments owed by an offender fees and  
707 | restitution.

708 |       (f) Procedures for handling indigent offenders which ensure  
709 | placement irrespective of ability to pay.

710 |       (g) Circumstances under which revocation of an offender's  
711 | probation may be recommended.

712 |       (h) Reporting and recordkeeping requirements.

713 |       (i) Default and contract termination procedures.

714 |       (j) Procedures that aid offenders with job assistance.

715 |       (k) Procedures for accessing criminal history records of  
716 | probationers.

717 |

718 | In addition, the entity shall supply the chief judge's office  
719 | with a quarterly report summarizing the number of offenders  
720 | supervised by the private entity, payment of the required  
721 | contribution under supervision or rehabilitation, and the number

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of offenders for whom supervision or rehabilitation will be terminated. All records of the entity must be open to inspection upon the request of the county, the court, the Auditor General, the Office of Program Policy Analysis and Government Accountability, or agents thereof.

(5) ~~(4)~~ A private entity that provides court-ordered services to offenders and that charges a fee for such services must register with the board of county commissioners in the county in which the services are offered. The entity shall provide the following information for each program it operates:

(a) The length of time the program has been operating in the county.

(b) A list of the staff and a summary of their qualifications.

(c) A summary of the types of services that are offered under the program.

(d) The fees the entity charges for court-ordered services and its procedures, if any, for handling indigent offenders.

(6) ~~(5)~~ The private entity providing misdemeanor supervision services shall also comply with all other applicable provisions of law.

Section 14. Section 939.185, Florida Statutes, is renumbered as section 938.195, Florida Statutes.

Section 15. Subsection (2) of section 775.083, Florida Statutes, is transferred to section 938.065, Florida Statutes, which is created, and is amended to read:

938.065 County crime prevention programs.--

~~(2) In addition to the fines set forth in subsection (1),~~  
Court costs shall be assessed and collected in each instance a

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defendant pleads nolo contendere to, or is convicted of, or adjudicated delinquent for, a felony, a misdemeanor, or a criminal traffic offense under state law, or a violation of any municipal or county ordinance if the violation constitutes a misdemeanor under state law. The court costs imposed by this section shall be \$50 for a felony and \$20 for any other offense and shall be deposited by the clerk of the court into an appropriate county account for disbursement for the purposes provided in this subsection. A county shall account for the funds separately from other county funds as crime prevention funds. The county, in consultation with the sheriff, must expend such funds for crime prevention programs in the county, including safe neighborhood programs under ss. 163.501-163.523.

Section 16. This act shall take effect July 1, 2006.

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1

Bill No. PCB JA 06-01

COUNCIL/COMMITTEE ACTION

ADOPTED \_\_\_\_\_ (Y/N)  
ADOPTED AS AMENDED \_\_\_\_\_ (Y/N)  
ADOPTED W/O OBJECTION \_\_\_\_\_ (Y/N)  
FAILED TO ADOPT \_\_\_\_\_ (Y/N)  
WITHDRAWN \_\_\_\_\_ (Y/N)  
OTHER \_\_\_\_\_

Council/Committee hearing bill: Judiciary Appropriations

Committee

Representative(s) Seiler offered the following:

**Amendment (title amendments)**

Between line(s) 546 and 547 insert:

Section 10. Subsections (4) and (6) of section 44.103,  
Florida Statutes, are amended to read:

44.103 Court-ordered, nonbinding arbitration.--

(4) An arbitrator or, in the case of a panel, the chief  
arbitrator, shall have such power to administer oaths or  
affirmation and to conduct the proceedings as the rules of court  
shall provide. The hearing shall be conducted informally.  
Presentation of testimony and evidence shall be kept to a  
minimum, and matters shall be presented to the arbitrators  
primarily through the statements and arguments of counsel. At  
the request of Any party to the arbitration may petition the  
court in the underlying action, for good cause shown, to  
authorize the, such arbitrator to shall issue subpoenas for the  
attendance of witnesses and the production of books, records,  
documents, and other evidence at the arbitration and may

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1

22 petition apply to the court for orders compelling such  
23 attendance and production at the arbitration. Subpoenas shall be  
24 served and shall be enforceable in the manner provided by law.

25 (6) Upon motion made by either party within 30 days after  
26 entry of a judgment, the court may assess costs against the  
27 party requesting a trial de novo, including arbitration costs,  
28 court costs, reasonable attorney's fees, and other reasonable  
29 costs such as investigation expenses and expenses for expert or  
30 other testimony that were incurred after the arbitration hearing  
31 and continuing through the trial of the case in accordance with  
32 the guidelines for taxation of costs as adopted by the Supreme  
33 Court. Such costs may be assessed if:

34 (a) Plaintiff, having filed for a trial de novo, obtains a  
35 judgment at trial that is at least 25 percent less than the  
36 arbitration award. In such instance, the costs and attorney's  
37 fees pursuant to this section shall be set off against the  
38 award. When the costs and attorney's fees pursuant to this  
39 section total more than the amount of the judgment, the court  
40 shall enter judgment for the defendant against the plaintiff for  
41 the amount of the costs and attorney's fees, less the amount of  
42 the award to the plaintiff. For purposes of a determination  
43 under this paragraph, the term "judgment" means the amount of  
44 the net judgment entered, plus all taxable costs pursuant to the  
45 guidelines for taxation of costs as adopted by the Supreme  
46 Court, plus any post-arbitration collateral source payments  
47 received or due as of the date of the judgment, and plus any  
48 post-arbitration settlement amounts by which the verdict was  
49 reduced; or

50 (b) Defendant, having filed for a trial de novo, has a  
51 judgment entered against the defendant that is a least 25

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1

percent more than the arbitration award. For purposes of a  
determination under this paragraph, the term "judgment" means  
the amount of the net judgment entered, plus any post-  
arbitration settlement amounts by which the verdict was reduced.

~~The party having filed for a trial de novo may be assessed the  
arbitration costs, court costs, and other reasonable costs of  
the party, including attorney's fees, investigation expenses,  
and expenses for expert or other testimony or evidence incurred  
after the arbitration hearing if the judgment upon the trial de  
novo is not more favorable than the arbitration decision.~~

===== T I T L E A M E N D M E N T =====

Remove line(s) 41 and insert:

purposes; providing duties; amending s. 44.103, F.S.; revising  
provisions relating to presentation of testimony and evidence in  
court-ordered nonbinding arbitration proceedings; revising  
provisions relating to award of specified costs of a trial de  
novo following arbitration against the party requesting the  
trial when the trial judgment differs from the arbitration award  
by a certain amount; amending s. 318.18, F.S.;

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 2

Bill No. PCB JA 06-01

COUNCIL/COMMITTEE ACTION

ADOPTED \_\_\_\_\_ (Y/N)  
ADOPTED AS AMENDED \_\_\_\_\_ (Y/N)  
ADOPTED W/O OBJECTION \_\_\_\_\_ (Y/N)  
FAILED TO ADOPT \_\_\_\_\_ (Y/N)  
WITHDRAWN \_\_\_\_\_ (Y/N)  
OTHER \_\_\_\_\_

Council/Committee hearing bill: Judiciary Appropriations  
Committee

Representative(s) Mahon offered the following:

**Amendment (with title amendments)**

Between line(s) 546 and 547 insert:

Section 10. Subsection (3) of section 218.245, Florida  
Statutes, as amended by section 44, ch. 2005-236, Laws of  
Florida, is amended to read:

218.245 Revenue sharing; apportionment.--

(3) Revenues attributed to the increase in distribution to  
the Revenue Sharing Trust Fund for Municipalities pursuant to s.  
212.20(6)(d)6. from 1.0715 percent to 1.3409 percent provided in  
chapter 2003-402, Laws of Florida, shall be distributed to each  
eligible municipality and any unit of local government which is  
consolidated as provided by s. 9, Art. VIII of the State  
Constitution of 1885, as preserved by s. 6(e), Art. VIII, 1968  
revised constitution, as follows: each eligible local  
government's allocation shall be based on the amount it received  
from the half-cent sales tax under s. 218.61 in the prior state  
fiscal year divided by the total receipts under s. 218.61 in the

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 2

prior state fiscal year for all eligible local governments;  
provided, however, for the purpose of calculating this  
distribution, the amount received from the half-cent sales tax  
under s. 218.61 in the prior state fiscal year by a unit of  
local government which is consolidated as provided by s. 9, Art.  
VIII of the State Constitution of 1885, as amended, and as  
preserved by s. 6(e), Art. VIII, of the Constitution as revised  
in 1968, shall be reduced by ~~50~~ 42 percent for such local  
government and for the total receipts. For eligible  
municipalities that began participating in the allocation of  
half-cent sales tax under s. 218.61 in the previous state fiscal  
year, their annual receipts shall be calculated by dividing  
their actual receipts by the number of months they participated,  
and the result multiplied by 12.

===== T I T L E A M E N D M E N T =====

Remove line(s) 41 and insert:

purposes; providing duties; amending s.218.245, F.S.; revising  
the requirements for revenue sharing for certain local  
governments; amending s. 318.18, F.S.;

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 3

Bill No. PCB JA 06-01

COUNCIL/COMMITTEE ACTION

ADOPTED	___	(Y/N)
ADOPTED AS AMENDED	___	(Y/N)
ADOPTED W/O OBJECTION	___	(Y/N)
FAILED TO ADOPT	___	(Y/N)
WITHDRAWN	___	(Y/N)
OTHER	_____	

1 Council/Committee hearing bill: Judiciary Appropriations  
2 Committee

3 Representative(s) Negron offered the following:

4  
5 **Amendment**

6 Remove line(s) 629 and insert:  
7 in the agency operating trust fund, and a  
8  
9  
10

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